CIVIL WRIT JURISDICTION CASE No.5973 OF 1988

In the matter of an application under Articles 226 and 227 of the Constitution of India.

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1. Krit Narain Rai son of late Kamleshwari Rai
2. Achchay Lal Paswan son of Madhfuri Paswan
3. Rameshwar Paswan son of Mangal Paswan
4. Ram Bahadur Rai son of Pradip Rai
5. Bindeshwri Paswan son of Kokai Paswan
6. Ashok Rai son of Chunchun Rai
7. Bhikhar Rai son of Bhagwat Rai
8. Ramanand Rai son of Bindeshwari Rai
9. Ram Prit Rai son of Rameshwar Rai
10. Anil Rai son of Laddu Rai
11. Rama Bilash Rai son of Uttam Rai
12. Mahesh Rai son of Rangdeo Rai
13. Kailash Rai son of Suresh Rai
14. Lakshmi Rai son of Babulal Rai
15. Pramod Rai son of Hridya Rai
16. Subodh Rai so of Hridya Rai
17. Ambika Rai son of Santokhi Rai
18. Saudi Rai son of Bido Rai
19. Ramesh Rai son of Rangdeo Rai
20. Umesh Rai son of Rangdeo Rai
21. Chandrika Rai son of Deonarayan Rai
22. Sachit Rai son of Kesho Rai
23. Nand Kishore Rai son of Satyadeo Rai
24. Ram Binay Rai son of Bhubneshwari Rai
25. Kailash Rai son of Ramcharitar Rai
26. Naresh Rai son of Deonarayan Rai
27. Sachitanand Rai son of Kesho Rai
28. Sakur Miyan son of Sahadat Miyan
29. Umesh Sharma son of Bhochan Sharma
30. Sitaram Sharma son of Sukhdo Sharma
31. Dularo Devi wife of Jugo Sharma
32. Devendra Rai son of Dhorha Rai
33. Baleshar Rai son of Kamleshwari Rai
34. Ram Sagar Rai son of Kamleshwari Rai
35. Kapildeo Rai son of Ambika Rai
36. Brahmdeo Rai son of Ajanas Rai
37. Bageshwari Devi wife of Kapildeo Rai
38. Ram Kumar Rai son of Bindeshwari Rai
39. Suresh Rai son of Kanti Rai
40. Uttam Rai son of Santi Rai
41. Rajendra Rai son of Baidyanath Rai
42. Chhotelal Rai son of Bineshwari Rai
43. Ganesh Rai son of Hari Rai
44. Ramanand Rai son of Hari Rai
45. Rangdeo Rai son of Kari Rai

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46. Surendra Rai son of Thorai Rai
47. Krishnadeo Rai son of Bhubaneshari Rai
48. Krit Narayan Rai son of Kamleshwari Rai
49. Nawal Kishore Rai @ Musho Rai son of Ramcharitra Rai
50. Kapildeo Rai son of Ambika Rai
51. Laddu Rai son of Fekan Rai
52. Sunil Rai son of Mangal Rai
53. Uttim Rai son of Santi Rai
54. Budhdeo Rai son of Bikan Rai
55. Ram Balak Rai son of Bikan Rai
56. Shivadani Rai son of Priyabrat Rai

All residents of Village – Chatra, P.S. Khagaria, District – Khagaria.

---------- Petitioners

Versus

1. State of Bihar
2. The Deputy Secretary, Revenue and Land Reforms, Bihar, Patna.
3. Additional Collector, Land Acquisition, Khagaria.
4. Special Secretary, Industry, Bihar, Patna.

---------- Respondents

For the petitioner: Mr. GIRINDRA MOHAN THAKUR
For the respondent: Mr. Anil Kumar Verma, JC to SC 3.

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P R E S E N T

THE HON'BLE MR. JUSTICE AJAY KUMAR TRIPATHI

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A K Tripathi, J. Petitioners want quashing of Land Acquisition Case No. 7 of 1986-87. Case of the petitioners is that the State of Bihar for setting up a **project growth centre** decided to invoke the emergency clause under section 17 (4) of the Land Acquisition Act for acquisition of the land of these petitioners in the district of Khagaria for which notices had been issued to them under section 4(2).

2. Contention of the learned counsel for the petitioners is that there is no emergency in existence for acquiring the land under the said provision because even as of today nothing worth of

consequence has been done with regard to the proposed land to be acquired. The other primary contention is that the petitioner would be rendered landless and they will be pushed up to starvation and their right of livelihood would be taken away by an act of the State.

3. Submission of the learned counsel for the petitioners cannot be entertained on the ground that it is not for the Court to see whether petitioners would be rendered landless or deprived of their livelihood if the acquisition proceeding is in consonance with the requirement of the Land Acquisition Act. Since no infirmity in that aspect of the matter has been pointed out and the validity of the provision of the Land Acquisition Act has not been declared unconstitutional at any point of time by any court, the action of the State cannot be said to be illegal. However, it will be open to the petitioners to prevail upon the Government and District Administration to reconsider, if they so like as a matter of policy decision if certain developments have taken place in the last two decades.

4. The writ application is dismissed.

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(Ajay Kumar Tripathi, J.)

Patna High Court:
The 21st November, 2008.
NAFR (R K Pathak).